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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF MODOC

Arthur J. Harris and Etta M. Harris, )  
Plaintiffs, )

vs.

NO. 3284

JUDGMENT AND DECREE

Sarah L. Adams, L. J. Barber and )  
Fannie Barber, his wife, Ben R. )  
Cambron and Leona Cambron, his wife, )  
Jennie M. Cambron, Ernest E. Cook )  
and Alta Cook, his wife, Mrs. Annie )  
Connolly, C. M. Dorton and )  
Dorton, his wife, N. H. Finmand, M. )  
Hotchkiss and Alleva Hotchkiss, his )  
wife, Peter K. Heard, George M. )  
Hudspeth and Mary Hudspeth, his wife, )  
Fred Meyers and Elizabeth Meyers, his )  
wife, E.E.Murphey and Susan Murphey, )  
his wife, Eulalio Miura and Elmore )  
Miura, his wife, L. M. Mabrier, Mrs. )  
Sarah E.Powers, E.H.Powers and Myra )  
Powers, his wife, Charlie Lee Pabst, )  
B. F. Prior and Mariam Prior, his )  
wife, J. T. Reeder and Katie Reeder, )  
his wife, Lena Harkey Scott, A. N. )  
Slinkard and Lottie Slinkard, his )  
wife, Jesse W. Stevens and Margaret )  
Stevens, his wife, W. N. Slinkard and )  
Gertie Slinkard, his wife, Grace A. )  
Street, John W. Taylor and Lolo )  
Taylor, his wife, Robert C. Young, )  
Pete Itcaina, Neva Kelley, Guy O. )  
Wimer, E. B. Grove and Irene Grove, )  
his wife, D. H. Grove and Luella )  
Grove, his wife, L. C. Grove and )  
Gertrude Grove, his wife, J. Allen )  
and Allen, his wife, Jesse )  
Stevens, his wife, Clarence Doss and )  
Annie Doss, his wife, John W. Hanks )  
and Cora Hanks, his wife, Jesse )  
Parman and Dora Parman, his wife, )  
Mrs. Margaret Pickrett, )  
Defendants. )

1           This cause having been referred to the Division of Water Resources  
2 of the Department of Public Works of the State of California, as referee, by  
3 order of this Court, dated May 13, 1931, made under authority of section 24  
4 of the Water Commission Act of the State of California (Stats. 1913, page  
5 1012, as amended); and, in accordance with law, the said referee having made  
6 its investigation and submitted its report to the Court; and, it appearing  
7 that a stipulation for judgment has been entered into and agreed upon by all  
8 the parties to the above-entitled cause, except defendants Ernest E. Cook and  
9 Alta Cook, his wife, George M. Hudspeth and Mary Hudspeth, his wife, E. E.  
10 Murphey and Susan Murphey, his wife, Charlie Lee Pabst, E. B. Woodruff and  
11 Charles Nolan as successor to J. J. Wiley; and it further appearing that  
12 said stipulation for judgment, on file herein, provides, in part, that find-  
13 ings of fact and conclusions of law are waived and that judgment and decree  
14 in accordance with the terms of said stipulation and report of referee may be  
15 entered; and, an order of this Court having been made fixing time for hearing  
16 exceptions heretofore filed to report of referee on October 21, 1937, said  
17 order having been duly served upon all the parties to this action; and said  
18 cause having regularly come on for trial before the above-entitled Court,  
19 sitting without a jury, on said 21st day of October 1937; the plaintiffs,  
20 Arthur J. Harris and Etta M. Harris, his wife, appearing in propria persona;  
21 C. S. Baldwin, appearing as attorney for defendants, E. E. Murphey and Susan  
22 Murphey, his wife, and Charlie Lee Pabst; A. K. Wylie appearing as attorney  
23 for defendant, Grace A. Street; the defendants, Fred Meyers and Elizabeth Meyers  
24 his wife, E. B. Woodruff, Ernest E. Cook and Alta Cook, his wife, appearing in  
25 propria persona; no appearances being made by or on behalf of any of the re-  
26 maining defendants; all of the parties appearing, having stipulated in open  
27 court that the Court might adopt the findings of fact and conclusions of law  
28 contained in report of referee, with the exceptions set forth in order of the  
29 Court, dated October 21, 1937, and that judgment and decree be entered in  
30 accordance therewith; parties not appearing for said trial having thereby  
31 waived findings of fact and conclusions of law; said cause having been

1 submitted and the evidence closed; said Court having approved and adopted  
2 said findings of fact and conclusions of law by said order, dated October 21,  
3 1937; and the Court, being fully advised, now enters its judgment and decree  
4 in accordance therewith as follows:

5 I

6 NOW THEREFORE IT IS ORDERED, ADJUDGED AND DECREED, that there is  
7 in said Modoc County a natural stream of water known as and called "Eagle  
8 Creek," which said stream arises on the eastern slope of the Warner Range  
9 of mountains in the southerly portion of said county, and flows thence in a  
10 general easterly direction into Surprise Valley past the Town of Eagleville  
11 and thence the channel divides into two branches known as and called "South  
12 Channel" and "Old Channel", and said stream so flows between well defined  
13 banks in well defined channels to, upon, and across certain of the lands of  
14 certain of the parties to this action.

15 II

16 That as to the parties herein the following is found:

17 Defendant Fannie Barber has died since the commencement of this  
18 action and defendant L. J. Barber, surviving husband, has succeeded to the  
19 interests of said Fannie Barber.

20 Frankie C. Stevens has succeeded to the interests of Defendant  
21 Jennie M. Cambron and the interests of said Frankie C. Stevens have been  
22 included under the name of Jennie M. Cambron in the stipulation for judg-  
23 ment on file in this action.

24 The interests of defendant sued herein as ( ) Dorton, wife  
25 of C. M. Dorton have been included under the name of C. M. Dorton in the  
26 stipulation for judgment on file in this action.

27 Martha M. Cook has died since the commencement of this action and  
28 her heirs are Floyd Cook and Kenneth Cook and defendants Ernest E. Cook and  
29 Neva L. Kelly.

30 N. H. Finmand and Niels H. Finmand are one and the same person.

31 Defendant M. Hotchkiss has died since the commencement of this

1 action and defendant Alleva Hotchkiss, surviving wife, succeeded to his  
2 interests and then said defendant Alleva Hotchkiss died and Bessie Ward has  
3 succeeded to the interests of the Estate of Alleva Hotchkiss.

4 The true name of defendant sued herein as Sara E. Powers is Sabra  
5 E. Powers, and she has appeared in said action under her true name.

6 Charles Nolan has succeeded to the interests of defendants J. J.  
7 Wiley, G. F. Prior and Mariam T. Prior.

8 Mrs. S. J. Millsap was not served with summons and complaint and did  
9 not originally make an appearance in said action; said Mrs. S. J. Millsap  
10 has signed the stipulation for judgment on file in said action; and the  
11 interests of said Mrs. S. J. Millsap have been included in the allotment  
12 made to her in said stipulation for judgment.

13 Walter Harden, Melvin Harden, Cecial Harden, and Frank Harden are  
14 interested with defendants J. T. Reeder and Katie Reeder in the property  
15 and rights designated as belonging to J. T. Reeder and Katie Reeder, et al.

16 The true name of defendant sued herein as Margaret Stevens is  
17 Marguerite Stevens, and she has appeared in said action under her true name.

18 The true name of defendant sued herein as Lolo Taylor is Lola Taylor,  
19 and she has appeared in said action under her true name.

20 The true name of defendant sued herein as Pete Itcaina is Pete  
21 Ytzaina, and he has appeared in said action under his true name; and Mary  
22 Ytzaina is interested with said defendant Pete Ytzaina in the property and  
23 rights designated as belonging to said Pete Ytzaina.

24 The true name of defendant sued herein as Neva Kelley is Neva L.  
25 Kelly, and she has appeared in said action under her true name.

26 Jesse Stevens and Jesse W. Stevens are one and the same person.

27 Defendants J. Allen and ( ) Allen his wife, and Clarence  
28 Doss and Annie Doss have no interest in any water right from Eagle Creek and  
29 have no interest in any of the lands involved in said action.

30 The true name of defendant sued herein as Mrs. Margaret Pickrett is  
31 Margaret Pickrell; said Margaret Pickrell has died since the commencement of

1 this action; and Margaret Connolly is the heir of said Margaret Pickrell,  
2 deceased.

3 Defendant Charlie Lee Pabst has succeeded to the interests of Lena  
4 Harkey Scott.

5 III

6 That the parties to whom rights should be decreed in this section  
7 are:

8 Plaintiffs:

9 Arthur J. Harris and Etta M. Harris.

10 Defendants:

11 Sarah L. Adams  
12 L. J. Barber  
13 Ben R. Cambron and Leona Cambron  
14 Frankie C. Stevens  
15 Ernest E. Cook and Alta Cook  
16 Ernest E. Cook, Neva L. Kelly, Kenneth Cook and  
17 Floyd Cook  
18 Mrs. Annie Connolly  
19 C. M. Dorton and Mrs. C. M. Dorton  
20 Niels H. Finmand  
21 Bessie Ward  
22 George M. Hudspeth and Mary Hudspeth  
23 Fred Meyers and Elizabeth Meyers  
24 Peter K. Heard  
25 E. E. Murphey and Susan Murphey  
26 Eulalio Miura and Elmore Miura  
27 L. M. Mabrier  
28 Mrs. S. J. Millsap  
29 Sabra E. Powers, E. H. Powers and Myra Powers  
30 Charlie Lee Pabst  
31 Charles Nolan  
J. T. Reeder, Katie Reeder, Walter Harden,  
Melvin Harden, Cecial Harden and Frank Harden  
A. N. Slinkard and Lottie Slinkard  
Jesse W. Stevens and Marguerite Stevens  
W. N. Slinkard and Gertie Slinkard  
Grace A. Street  
John W. Taylor and Lola Taylor  
Robert C. Young  
Pete Ytzaina and Mary Ytzaina  
Neva L. Kelly  
Guy O. Wimer  
E. B. Grove and Irene Grove  
D. H. Grove, Luella Grove, L. C. Grove and  
Gertrude Grove  
Jesse Parman and Dora Parman  
John W. Hanks and Cora Hanks  
Margaret Connolly  
E. B. Woodruff

IV

That the parties to whom a dismissal of this action should be made are:

J. Allen and Mrs. J. Allen  
Clarence Doss and Annie Doss

V

The term "natural flow" as herein used, shall be construed to designate such flow as will naturally occur at any given point in a stream from the run-off of the watershed which it drains, from springs which naturally contribute to the stream, from seepage, and from waste and return flow from dams, conduits, regulatory storage, and irrigated lands; as distinguished from water released from seasonal storage and from "foreign water" directly conveyed to a stream from another watershed.

VI

The term "available water supply of Eagle Creek," as herein used, shall be construed to designate the total amount of water available for diversion by all of the various conduits diverting from said Eagle Creek, i.e., the water crop of said Eagle Creek plus all waste and return flows to the stream system, less all channel losses in the stream system; said "available water supply of Eagle Creek" at any given time to be determined by combining the total of all quantities of water being diverted from the stream system with the flows of Eagle Creek or its branches immediately below all diversions at the time.

VII

The "Division of Water Resources Map" herein referred to is the map prepared by the Division of Water Resources of the Department of Public Works of the State of California from its surveys made in 1931, which map is entitled, "Eagle Creek Showing Diversion System and Irrigated Land," and is dated 1931

VIII

All of the allotments of water hereinafter provided shall be

1 diverted from the Eagle Creek stream system at the present points of diver-  
2 sion of the respective ditches, as said points of diversion are described in  
3 Schedule 3, hereof; the points of measurement of all allotments of water  
4 hereinafter provided shall be at the respective points of diversion from  
5 said Eagle Creek and its branches; and the owners of allotments herein made  
6 shall bear their respective delivery losses from said points of diversion to  
7 their respective places of use, except that when the allotment of first  
8 priority class of Ernest E. Cook and Alta Cook is being diverted by means of  
9 the Gill Ditch, hereinafter described in Schedule 3, then at such times the  
10 water available for allotments of first priority class in said ditch shall  
11 be divided equally among the four users named under said ditch in Schedule  
12 2 hereof.

13 IX

14 All allotments of water hereinafter provided shall be for continuous  
15 usage without regard to season, except as otherwise provided by decree of the  
16 above entitled court entered on April 5, 1926 in the case of Pabst v. Finmand,  
17 and except as otherwise hereinafter provided in paragraphs 11, 13, 14, and 15;  
18 provided however, that no party herein allotted water shall divert from said  
19 Eagle Creek and its branches at any time, a quantity of water in excess of  
20 that reasonably necessary for his requirements and being put to beneficial  
21 use by said party.

22 X

23 Nothing in this judgment shall, or shall be construed to modify or  
24 alter in any way the relative rights of defendants Grace A. Street, Charlie  
25 Lee Pabst, Fred Meyers and Elizabeth Meyers, Charles Nolan and E.E. Murphey  
26 and Susan Murphey with respect to each other as said rights have been deter-  
27 mined by decree of the above entitled court entered on April 5, 1926 in the  
28 case of Pabst vs. Finmand.

29 XI

30 Subject to the foregoing general provisions and definitions, the  
31 several owners of rights in and to the use of the waters of Eagle Creek are

1 entitled to divert and use such waters as herein set forth.

2 XII

3 Charlie Lee Pabst shall at all times be entitled to divert the entire  
4 flow in the South Channel of Eagle Creek that occurs in said channel from  
5 springs and return water below the head of said channel in the SE $\frac{1}{4}$  SW $\frac{1}{4}$  Section  
6 24, T.40N., R.16E., M.D.B. & M., (designated on Division of Water Resources  
7 Map as Diversion 8); said water to be diverted from said channel, in whole or  
8 in part, through any or all of the Pabst Diversions (designated on Division  
9 of Water Resources Map as Diversions 18, 19, 20, 21, and 22) as described in  
10 Schedule 3 hereunto annexed and made a part hereof; and said water to be used  
11 for the irrigation of her lands described in Schedule 1 hereof.

12 XIII

13 The several parties named in Schedule 2 hereof shall be entitled to  
14 rights in and to the use of the natural flow of Eagle Creek for domestic,  
15 stock watering, and irrigation purposes upon their respective lands as de-  
16 scribed in Schedule 1 hereof, in accordance with the priorities, the quanti-  
17 ties of water allotted and through the ditches named as set forth in said  
18 Schedule 2; provided, however, that the water to supply the allotment here-  
19 inabove made to Charles Nolan shall first be taken from the drainage flow  
20 from the Street Ranch in the Prior Collecting Ditch, and any deficiency below  
21 said allotment, or the proration thereof, to said Charles Nolan in said drain-  
22 age flow in said ditch shall then be made up by diversion from Eagle Creek;  
23 provided further, that the water to supply the allotment hereinabove made to  
24 Arthur J. Harris and Etta M. Harris shall first be taken from the drainage  
25 flow in excess of 0.75 cubic foot per second from the Eyster Swamp in the  
26 Eyster Slough Ditch, and any deficiency below said allotment or the proration  
27 thereof, to said Arthur J. Harris and Etta M. Harris in said excess drainage  
28 flow shall then be made up by diversion from Eagle Creek; and provided further,  
29 subject to the rights herein found for Grace Street and for the Scott Ranch  
30 now owned by Charlie Lee Pabst to divert and use the waters of Eagle Creek by  
31 means of the Gee and Grider Ditches, Ernest E. Murphey and Susan Murphey are



1 entitled to divert 0.30 cubic foot per second from said Eagle Creek by means  
2 of said Grider Ditch for the irrigation of a garden upon the lands of said  
3 Ernest E. Murphey and Susan Murphey as herein described; said garden right  
4 of Ernest E. Murphey and Susan Murphey shall be superior to all rights  
5 herein found for general irrigation in the third and fourth priority  
6 classes; and said allotment to said Ernest E. Murphey and Susan Murphey  
7 herein set forth for garden irrigation of 0.30 cubic foot per second is  
8 not in addition to, but is a part of their total water requirements herein  
9 found of 2.10 cubic feet per second.

10 XIV

11 At all times when the water supply of Eagle Creek, which is avail-  
12 able for proration among all allotments within the third priority class  
13 provided in Schedule 2 hereof, in excess of all prior rights, is equal to or  
14 less than 4.50 cubic feet per second measured at the head of the Grider Ditch,  
15 then the water under the allotment of Grace A. Street within the second  
16 priority class in said Schedule 2 shall be pooled with said water available  
17 for said allotments within the third priority class, and said Grace A. Street  
18 shall be entitled during such times to divert one-half of such aggregate or  
19 pooled water and Charlie Lee Pabst shall be entitled to divert the remaining  
20 one-half of such aggregate; provided, however, that nothing in this paragraph  
21 shall, or shall be construed to, limit the right of Grace A. Street to a  
22 diversion of less than 5.00 cubic feet per second from said Eagle Creek at  
23 any time prior to July 1st of each and every year when Charles Nolan, Fred  
24 Meyers and Elizabeth Meyers, E. E. Murphey and Susan Murphey, and Charlie  
25 Lee Pabst are receiving water by direct diversion from said Eagle Creek.

26 XV

27 That E. B. Woodruff is the owner of the following described acre-  
28 ages of land:

29 38.5 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$  Sec. 24, T. 40 N., R. 16 E., M.D.B. & M.  
30 37.8 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 13, T. 40 N., R. 16 E., M.D.B. & M.

31 that said lands lie in the watershed of Highrock Creek and are not riparian

1 to Eagle Creek; that said lands are irrigated by said owner; that said lands  
2 are depicted in green upon the Division of Water Resources Map Sheet entitled,  
3 "Eagle Creek Showing Diversion System and Irrigated Land," dated 1931, and  
4 filed in the above entitled cause; that said owner diverts and uses, and is  
5 entitled to divert and use water from the natural flow of Eagle Creek to  
6 supplement the natural flow available from Highrock Creek for said land for  
7 irrigation purposes; that diversion from said Eagle Creek is made by means  
8 of the Gee Ditch at a point (designated on Division of Water Resources Map  
9 as Diversion 3) which bears approximately N. 77° 0' W., approximately 2180  
10 feet distant from the southeast corner of Section 23, T. 40 N., R. 16 E.,  
11 M.D.B. & M., and being within the SW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> of said Section 23; that the total  
12 amount of water which said E. B. Woodruff diverts and is entitled to divert  
13 through said ditch for said purposes is such a quantity of water as will fur-  
14 nish him, together with the natural flow available from Highrock Creek, a  
15 total flow of one cubic foot per second measured at the southwest corner of  
16 the NE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub> Section 24, T. 40 N., R. 16 E., M.D.B. & M., provided, however,  
17 that the maximum rate of diversion from said Eagle Creek through said Gee  
18 Ditch shall at no time exceed one cubic foot per second measured at the head  
19 of said Gee Ditch; and such diversion shall be otherwise subject to the pro-  
20 visions hereinafter set forth in paragraph XIX; that the diversion of, and  
21 right to divert said quantity of water through said Gee Ditch is made, and is  
22 during such times as the quantity of water available for said lands from  
23 Highrock Creek is less than one cubic foot per second and when at the same  
24 time there is water available for rights of third priority class from Eagle  
25 Creek; that said allotment to said E. B. Woodruff shall bear its proportionate  
26 share of the conveyance loss in said Gee Ditch; and that the amount of water  
27 which said party is herein found to divert, and to be entitled to divert, is  
28 sufficient and adequate to properly supply the requirements of said owner for  
29 use upon said acreages for said purposes, is all the water reasonably neces-  
30 sary therefor, and is a right of third priority class; provided, however, that  
31 the diversion of said allotment to said E.B.Woodruff into said Gee Ditch and

1 the delivery thereof to the place of use hereinbefore described shall be  
2 under the exclusive control of the Division of Water Resources or its duly  
3 authorized water master appointed to administer the provisions of the decree  
4 to be entered in this section.

5 XVI

6 Notwithstanding provisions in this decree to the contrary, the  
7 owners of rights of first, second and third priority classes, as set forth  
8 in Schedule 2 hereunto annexed and made a part hereof, can and do divert and  
9 use water from Eagle Creek and apply said water to beneficial use during the  
10 first irrigation in the spring of each and every year at faster rates of div-  
11 ersion than those set forth in said Schedule 2 until such times as their  
12 respective irrigated lands have received 0.6 acre-foot per acre; that the  
13 owners of rights of fourth priority class, as herein set forth in this decree,  
14 shall not divert any water from said Eagle Creek until said owners of first,  
15 second and third priority classes have received on their respective irrigated  
16 lands a first irrigation during the spring of each year equivalent to 0.6  
17 acre-foot per acre; and that after said owners of first, second and third  
18 priority classes have received said first irrigation of 0.6 acre-foot per  
19 acre on their respective irrigated lands, then their respective maximum rate  
20 of diversion shall be as set forth in said Schedule 2 and said owners of  
21 rights of fourth priority shall then be entitled to divert from such excess  
22 over and above the aggregate of all allotment of first, second and third  
23 priority classes as set forth in said Schedule 2.

24 XVII

25 During the period from April 15th to October 1st of each and every  
26 year, Katie Reeder, Walter Harden, Melvin Harden, Cecial Harden, and Frank  
27 Harden, collectively, L. M. Mabrier, Robert C. Young, Estate of Margaret  
28 Pickrell, and Guy O. Wimer shall be entitled to divert by means of the Gee  
29 Ditch, hereinafter described in Schedule 3, 0.20 cubic foot per second as an  
30 allotment of first priority class in addition to the allotments of first  
31 priority class set forth in Schedule 2 hereof, and said parties shall rotate

1 in the use of said allotment of 0.20 cubic foot per second upon their respec-  
 2 tive lands described under their respective names in Schedule 1 hereof in  
 3 the proportion as follows:

4 Katie Reeder, et al.  
 5 L. M. Mabrier  
 6 Robert C. Young  
 7 Estate of Margaret Pickrell  
 8 Guy O. Wimer

3 parts  $\frac{3}{20} \times .20 = .03$   
 5 parts  $\frac{5}{20} \times .20 = .05$   
 3 parts  $\frac{3}{20} \times .20 = .03$   
 4 parts  $\frac{4}{20} \times .20 = .04$   
 5 parts  $\frac{5}{20} \times .20 = .05$   
20 parts 0.20

# XVIII

10 During the period from April 15th to October 1st of each and every  
 11 year, W. N. Slinkard and Gertie Slinkard, collectively, Eulalio Miura and  
 12 Elmore Miura, collectively, John W. Hanks and Cora Hanks, collectively,  
 13 L. J. Barber, C. M. Dorton, and Mrs. S. J. Millsap shall be entitled to  
 14 divert by means of the Grider Ditch, hereinafter described in Schedule 3,  
 15 0.20 cubic foot per second as an allotment of first priority class in addi-  
 16 tion to the allotments of first priority class set forth in Schedule 2  
 17 hereof, and said parties shall rotate in the use of said allotment of 0.20  
 18 cubic foot per second upon their respective lands described under their  
 19 respective names in Schedule 1 hereof in the proportion as follows:

20 W. N. Slinkard and Gertie Slinkard  
 21 Eulalio Miura and Elmore Miura  
 22 John W. Hanks and Cora Hanks  
 23 L. J. Barber  
 24 C. M. Dorton  
 25 Mrs. S. J. Millsap

(0.025)  
 2 parts  $\frac{2}{15} \times .20 = 0.0267$   
 3 parts  $\frac{3}{15} \times .20 = 0.0400$   
 2 parts  $\frac{2}{15} \times .20 = 0.0267$   
 4 parts  $\frac{4}{15} \times .20 = 0.0533$   
 2 parts  $\frac{2}{15} \times .20 = 0.0267$   
 2 parts  $\frac{2}{15} \times .20 = 0.0267$

# XIX

27 All allotments hereinabove provided, which are within the same  
 28 priority class, are equal in priority and correlative in right and at all  
 29 times when the water supply available for rights within a priority class is  
 30 inadequate to supply all rights and allotments within said class, then during  
 31 the continuance of such shortage, the owners of such allotments shall prorate

1 the available water supply, if any, in excess of the quantity required for  
2 prior rights, in accordance with their respective allotments for that class,  
3 except as otherwise hereinbefore provided in paragraph XIV of this article.

4 XX

5 No water shall be diverted through taps on the Gee and <sup>6</sup>Drider Ditches  
6 by any of the parties hereto, with the exception of Grace A. Street and  
7 Charlie Lee Pabst, during the period from October 15th of each and every  
8 year to March 15th of the succeeding year, both dates inclusive.

9 XXI

10 It is further ordered, adjudged and decreed that each and every  
11 party to this action, his or her agent, successors, grantees and assigns, be  
12 and they are hereby perpetually enjoined and restrained from doing anything  
13 in violation of the provisions of this decree, or diverting any water from  
14 said Eagle Creek at any time in violation of the terms thereof, or from  
15 diverting any of such water at any time in excess of a quantity of water  
16 reasonably necessary for and being put to beneficial use, or from doing  
17 anything, directly or indirectly, that will obstruct or interfere with any  
18 right of another in this decree adjudged and determined.

19 XXII

20 The amount due from the parties hereto to said Division of Water  
21 Resources for expenses incurred as referee shall be borne by the parties  
22 hereto in accordance with the apportionment of said expenses as follows:

23	<u>Party</u>	<u>Portion of Expense</u>
24	Sarah L. Adams	\$3.21
	L. J. Barber	12.64 2
25	Ben R. Cambron and Leona Cambron	3.21
	Mrs. Annie Connolly	14.44
26	Margaret Connolly	1.60
	Ernest E. Cook and Alta Cook	24.07
27	C. M. Dorton and Mrs. C. M. Dorton	1.00
	Niels H. Finmand	2.41
28	D. H. Grove, Luella Grove, L. C. Grove and Gertrude Grove	4.01
29	E. B. Grove and Irene Grove	8.83
	John W. Hanks and Cora Hanks	1.00
30	Arthur J. Harris and Etta M. Harris	100.29
	Peter K. Heard	4.01
31	George M. Hudspeth and Mary Hudspeth	5.21

<u>Party</u>	<u>Portion of Expense</u>
Neva L. Kelly	\$ 48.14
L. M. Mabrier	7.62
Fred Meyers and Elizabeth Meyers	116.33
Mrs. S. J. Millsap	1.00
Eulalio Miura and Elmore Miura	7.42
E. E. Murphey and Susan Murphey	110.03
Charles Nolan	126.36
Charlie Lee Pabst	270.79
Charlie Lee Pabst and Lena Harkey Scott	176.51
Jesse Parman and Dora Parman	2.01
Sabra E. Powers, E. H. Powers and Myra Powers	3.21
J. T. Reeder, Katie Reeder, Walter Harden,	
Melvin Harden and Frank Harden	1.20
A. N. Slinkard and Lottie Slinkard	12.44
W. N. Slinkard and Gertie Slinkard	1.00
Frankie C. Stevens	7.22
Jesse W. Stevens and Marguerite Stevens	5.20
Grace A. Street	200.58
John W. Taylor and Lola Taylor	20.46
Bessie Ward	2.41
Guy O. Wimer	2.01
E. B. Woodruff	77.08
Robert C. Young	1.20
Pete Ytzaina and Mary Ytzaina	7.22
Ernest E. Cook, Neva L. Kelly, Kenneth Cook and	
Floyd Cook	2.01
Total	\$1,393.38

and said parties shall forthwith pay said apportionments set forth in the above paragraph to said Division of Water Resources, 401 Public Works Building, Sacramento, California.

### XXIII

The Court retains continuing jurisdiction of the parties and subject matter of this action to change or modify its orders and decrees as occasion may require and for the purpose of enforcing its judgments, orders and decrees.

Done in open court this 5th day of November, 1937.

F. M. JAMISON (SIGNED)  
Judge of the Superior Court.

SCHEDULE I.

DESCRIPTION OF IRRIGATED LANDS

Adams, Sarah L.

0.7 acre in NW $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 24, T. 40 N., R. 16 E., M.D.B. & M.  
and being also within Tract 7 of the Town of Eagleville.  
0.7 acre - total.

Barber, L. J.

5.2 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 23, T. 40 N., R. 16 E., M.D.B. & M.  
and being also within Tract 8 of the Town of Eagleville.  
0.6 acre in NW $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 24, T. 40 N., R. 16 E., M.D.B. & M.  
and being also within Lots 4 and 5, Block A of the  
Town of Eagleville.  
5.8 acres - total.

Cambron, Ben R. and Leona

2.6 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$  Sec. 24, T. 40 N., R. 16 E., M.D.B. & M.  
and being also within Tract 34 of the Town of Eagleville.  
2.6 acres - total.

Connolly, Mrs. Annie

12.2 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$  Sec. 25, T. 40 N., R. 16 E., M.D.B. & M.  
12.2 acres - total.

Cook, Ernest E. and Alta

34.7 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$  Sec. 25, T. 40 N., R. 16 E., M.D.B. & M.  
8.4 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 25, T. 40 N., R. 16 E., M.D.B. & M.  
31.6 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$  Sec. 25, T. 40 N., R. 16 E., M.D.B. & M.  
0.5 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 25, T. 40 N., R. 16 E., M.D.B. & M.  
75.2 acres - total.

Cook, Kenneth, Floyd and Ernest E., and Kelley, Neva

0.2 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 24, T. 40 N., R. 16 E., M.D.B. & M.  
and being also in Lot 1, Block D of the Town of Eagleville.  
0.2 acres - total.

Dorton, C. M.

0.3 acre in NE $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 23, T. 40 N., R. 16 E., M.D.B. & M.  
and being also in Lots 12 and 13, Block A of Mabrier  
Addition to the Town of Eagleville.  
0.3 acre - total.

Finmand, Niels H.

0.3 acre in NW $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 24, T. 40 N., R. 16 E., M.D.B. & M.  
and being also in Tract 33 of the Town of Eagleville.  
0.3 acre - total.

Grove, D. H. and L. C.

1.0 acre in NW $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 24, T. 40 N., R. 16 E., M.D.B. & M.  
and being also in Lots 4 and 5, Block C and a portion  
of Tract 20 of the Town of Eagleville.  
1.0 acre - total.

Grove, E. B. and Irene

2.7 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 24, T. 40 N., R. 16 E., M.D.B. & M.  
and being also in Tract 21 of the Town of Eagleville.  
2.7 acres - total.

Hanks, John W. and Cora

0.3 acre in NE $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 23, T. 40 N., R. 16 E., M.D.B. & M.  
and being also in Tract 17 of the Town of Eagleville.  
0.3 acre - total.

Harris, Arthur J. and Etta M.

40.3 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$  Sec. 29, T. 40 N., R. 17 E., M.D.B. & M.  
30.8 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$  Sec. 29, T. 40 N., R. 17 E., M.D.B. & M.  
36.5 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$  Sec. 29, T. 40 N., R. 17 E., M.D.B. & M.  
16.2 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$  Sec. 29, T. 40 N., R. 17 E., M.D.B. & M.  
38.6 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$  Sec. 30, T. 40 N., R. 17 E., M.D.B. & M.  
38.6 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$  Sec. 30, T. 40 N., R. 17 E., M.D.B. & M.  
209.2 acres - total.

Heard, Peter K.

1.0 acre in NW $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 24, T. 40 N., R. 16 E., M.D.B. & M.  
being also in Lots 1, 2 and 3, Block C of the Town of  
Eagleville.  
1.0 acre - total.

Ward, Bessie

0.5 acre in NW $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 24, T. 40 N., R. 16 E., M.D.B. & M.  
and being also in Lots 6, 7 and 8b, Block D of the  
Town of Eagleville.  
0.5 acre - total.

Hudspeth, George M. and Mary

0.7 acre in NW $\frac{1}{4}$  NW $\frac{1}{4}$  Sec. 24, T. 40 N., R. 16 E., M.D.B. & M.  
and being also in Lots 1a, 2a and 3, Block A of the  
Town of Eagleville.  
0.7 acre - total.

Ytzaina, Pete

1.7 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 24, T. 40 N., R. 16 E., M.D.B. & M.  
and being also in Tract 26 of the Town of Eagleville.  
1.7 acres - total.



Kelley, Neva

12.3 acres in Lot 2 of Sec. 30, T. 40 N., R. 17 E., M.D.B. & M.  
12.8 acres in  $SE\frac{1}{4}$   $NW\frac{1}{4}$  Sec. 30, T. 40 N., R. 17 E., M.D.B. & M.  
11.4 acres in Lot 3 of Sec. 30, T. 40 N., R. 17 E., M.D.B. & M.  
40.0 acres in  $NE\frac{1}{4}$   $SW\frac{1}{4}$  Sec. 30, T. 40 N., R. 17 E., M.D.B. & M.  
76.5 acres - total.

Mabrier, L. M.

2.6 acres in  $NW\frac{1}{4}$   $SE\frac{1}{4}$  Sec. 23, T. 40 N., R. 16 E., M.D.B. & M.  
0.7 acre in  $NE\frac{1}{4}$   $SE\frac{1}{4}$  Sec. 23, T. 40 N., R. 16 E., M.D.B. & M.  
being also in Tract 9 of the Town of Eagleville.  
3.3 acres - total.

Meyers, Fred and Elizabeth

38.1 acres in  $NE\frac{1}{4}$   $NE\frac{1}{4}$  Sec. 30, T. 40 N., R. 17 E., M.D.B. & M.  
38.7 acres in  $NW\frac{1}{4}$   $NE\frac{1}{4}$  Sec. 30, T. 40 N., R. 17 E., M.D.B. & M.  
40.0 acres in  $NE\frac{1}{4}$   $NW\frac{1}{4}$  Sec. 30, T. 40 N., R. 17 E., M.D.B. & M.  
37.8 acres in Lot 1 of Sec. 30, T. 40 N., R. 17 E., M.D.B. & M.  
25.2 acres in Lot 2 of Sec. 30, T. 40 N., R. 17 E., M.D.B. & M.  
27.3 acres in  $SE\frac{1}{4}$   $NW\frac{1}{4}$  Sec. 30, T. 40 N., R. 17 E., M.D.B. & M.  
207.1 acres - total.

Millsap, Mrs. S. J.

0.5 acre in  $NE\frac{1}{4}$   $SE\frac{1}{4}$  Sec. 23, T. 40 N., R. 16 E., M.D.B. & M. and  
being also in Tract 16 of the Town of Eagleville.  
0.5 acre - total.

Miura, Eulalio and Elmore

4.6 acres in  $NE\frac{1}{4}$   $SE\frac{1}{4}$  Sec. 23, T. 40 N., R. 16 E., M.D.B. & M.  
and being also in Tracts 18 and 19 of the Town of  
Eagleville.  
4.6 acres - total.

Murphey, E. E. and Susan

36.6 acres in Lot 4 of Sec. 19, T. 40 N., R. 17 E., M.D.B. & M.  
38.8 acres in  $SE\frac{1}{4}$   $SW\frac{1}{4}$  Sec. 19, T. 40 N., R. 17 E., M.D.B. & M.  
39.1 acres in  $SW\frac{1}{4}$   $SE\frac{1}{4}$  Sec. 19, T. 40 N., R. 17 E., M.D.B. & M.  
33.9 acres in  $SE\frac{1}{4}$   $SE\frac{1}{4}$  Sec. 19, T. 40 N., R. 17 E., M.D.B. & M.  
148.4 acres - total.

Pabst, Charlie Lee

35.9 acres in SW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> Sec. 20, T. 40 N., R. 17 E., M.D.B. & M.  
39.0 acres in SE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> Sec. 20, T. 40 N., R. 17 E., M.D.B. & M.  
33.8 acres in SW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> Sec. 20, T. 40 N., R. 17 E., M.D.B. & M.  
24.4 acres in SE<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> Sec. 20, T. 40 N., R. 17 E., M.D.B. & M.  
26.0 acres in NE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub> Sec. 29, T. 40 N., R. 17 E., M.D.B. & M.  
39.5 acres in NW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub> Sec. 29, T. 40 N., R. 17 E., M.D.B. & M.  
39.7 acres in NE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> Sec. 29, T. 40 N., R. 17 E., M.D.B. & M.  
39.9 acres in NW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> Sec. 29, T. 40 N., R. 17 E., M.D.B. & M.  
278.2 acres - total.

Pabst, Charlie Lee

0.7 acres in SE<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> Sec. 23, T. 40 N., R. 16 E., M.D.B. & M.  
18.2 acres in SW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> Sec. 24, T. 40 N., R. 16 E., M.D.B. & M.  
40.0 acres in SE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> Sec. 24, T. 40 N., R. 16 E., M.D.B. & M.  
39.9 acres in SW<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> Sec. 24, T. 40 N., R. 16 E., M.D.B. & M.  
38.9 acres in SE<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> Sec. 24, T. 40 N., R. 16 E., M.D.B. & M.  
34.4 acres in NE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub> Sec. 25, T. 40 N., R. 16 E., M.D.B. & M.  
36.0 acres in NW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub> Sec. 25, T. 40 N., R. 16 E., M.D.B. & M.  
37.8 acres in NE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> Sec. 25, T. 40 N., R. 16 E., M.D.B. & M.  
5.4 acres in NW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub> Sec. 25, T. 40 N., R. 16 E., M.D.B. & M.  
251.3 acres - total.

Parman, Jesse and Dora

0.3 acres in NW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> Sec. 24, T. 40 N., R. 16 E., M.D.B. & M.  
and being also in Tract 23 of the Town of Eagleville.  
0.3 acres - total.

Pickrell, Estate of Mrs. Margaret

0.9 acres in NE<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub> Sec. 23, T. 40 N., R. 16 E., M.D.B. & M.  
and being also in Lots 23 to 30, inclusive, Block A  
of Mabrier Addition to the Town of Eagleville.  
0.9 acres - total.

Powers, E. H., Myra and Mrs. Sabra E.

0.6 acres in NW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> Sec. 24, T. 40 N., R. 16 E., M.D.B. & M.  
and being also in Lots 6, 7 and 8b, Block A of the  
Town of Eagleville.  
0.6 acres - total.

Nolan, Charles

P. 100

35.5 acres in Lot 3 of Sec. 19, T. 40 N., R. 17 E., M.D.B. & M.  
40.0 acres in NE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> of Sec. 19, T. 40 N., R. 17 E., M.D.B. & M.  
75.5 acres - total.

Nolan, Charles

40.0 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 19, T. 40 N., R. 17 E., M.D.B. & M.  
32.7 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 19, T. 40 N., R. 17 E., M.D.B. & M.  
40.0 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 20, T. 40 N., R. 17 E., M.D.B. & M.  
23.3 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 20, T. 40 N., R. 17 E., M.D.B. & M.  
136.0 acres - total.

Reeder, J. T. and Katie, et al.

0.7 acre in NE $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 23, T. 40 N., R. 16 E., M.D.B. & M.  
and being also in Lots 19 and 20, Block B. of Mabrier  
Addition to the Town of Eagleville.  
0.7 acre - total.

Slinkard, A. N. and Lottie

9.1 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$  Sec. 25, T. 40 N., R. 16 E., M.D.B. & M.  
9.1 acres - total.

Slinkard, W. N. and Gertie

0.2 acre in NE $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 23, T. 40 N., R. 16 E., M.D.B. & M.  
and being also in Tract 14 of the Town of Eagleville.  
0.2 acre - total.

Stevens, Jesse and Marguerite

0.6 acre in NW $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 24, T. 40 N., R. 16 E., M.D.B. & M.  
and being also in Lots 8a, 9 and 10, Block A of the  
Town of Eagleville.  
0.6 acre - total.

Street, Grace A.

33.1 acres in SW $\frac{1}{4}$  NW $\frac{1}{4}$  Sec. 24, T. 40 N., R. 16 E., M.D.B. & M.  
40.9 acres in SE $\frac{1}{4}$  NW $\frac{1}{4}$  Sec. 24, T. 40 N., R. 16 E., M.D.B. & M.  
38.0 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 24, T. 40 N., R. 16 E., M.D.B. & M.  
19.9 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 24, T. 40 N., R. 16 E., M.D.B. & M.  
40.0 acres in SW $\frac{1}{4}$  NE $\frac{1}{4}$  Sec. 24, T. 40 N., R. 16 E., M.D.B. & M.  
40.0 acres in SE $\frac{1}{4}$  NE $\frac{1}{4}$  Sec. 24, T. 40 N., R. 16 E., M.D.B. & M.  
37.3 acres in NE $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 24, T. 40 N., R. 16 E., M.D.B. & M.  
38.0 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 24, T. 40 N., R. 16 E., M.D.B. & M.  
287.2 acres - total.

Taylor, John W. and Lola

22.1 acres in NW $\frac{1}{4}$  SW $\frac{1}{4}$  Sec. 25, T. 40 N., R. 16 E., M.D.B. & M.  
22.1 acres - total.

Wimer, Guy O.

1.0 acre in NE $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 23, T. 40 N., R. 16 E., M.D.B. & M.  
and being also in Lots 1 to 8, inclusive, Block A of  
Mabrier Addition to Town of Eagleville.

1.0 acre - total.

Woodruff, E. B.

38.5 acres in NE $\frac{1}{4}$  NE $\frac{1}{4}$  Sec. 24, T. 40 N., R. 16 E., M.D.B. & M.

37.8 acres in SE $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 13, T. 40 N., R. 16 E., M.D.B. & M.

76.3 acres - total.

Young, Robert C.

0.5 acre in NE $\frac{1}{4}$  SE $\frac{1}{4}$  Sec. 23, T. 40 N., R. 16 E., M.D.B. & M.  
and being also in Lots 22, 23 and 24 of Mabrier Addition  
to the Town of Eagleville.

0.5 acre - total.

1895.3

SCHEDULE 2

PRIORITIES AND ALLOTMENTS TO VARIOUS DITCHES FROM EAGLE CREEK

Diver- sion Num- ber	Name of Ditch	Allotment - Cu. Ft. per Sec.				Acreage to be Sup- plied	Name of Owner
		1st	2nd	3rd	4th		
		Prior- ity Class	Prior- ity Class	Prior- ity Class	Prior- ity Class	Total	
1	Gill	0.16: 0.10: 0.16: 0.16:			0.20:  0.15: 0.35:	0.36: 0.10: 0.31: 0.51:	Mrs. Annie Connolly Ernest E. & Alta Cook A.N. & Lottie M. Slinkard John N. & Lola Taylor
3	Gee	0.08: 0.08: 0.09: 0.06:	0.09:  0.08:		0.14:	0.08: 0.08: 0.18: 0.06: 0.08: 0.14: 0.08: 0.08: 0.50:	Sarah L. Adams Ben R. and Leona Cambron Jennie M. Cambron Niels H. Finmand Pete Ytzaina L. M. Mabrier Sabra E. Powers, et al. Jesse W. & Margurite Stevens Grace A. Street
4	Grider	0.08: 0.05:  0.11: 0.08: 0.06: 0.08: 0.06:	0.11: 0.02:  0.04:		0.18:   0.14:	0.26: 0.05:  0.22: 0.10: 0.06: 0.08: 0.10: 0.14: 0.05: 0.10: 1.20:	L. J. Barber Kenneth, Floyd, Ernest E. Cook & Neva Kelley E. B. and Irene Grove Peter K. Heard Bessie Ward George M. & Mary Hudspeth Pete Ytzaina Eulalio & Elmore Miura Jesse & Dora Parman D. H. & L. C. Grove Charlie Lee Pabst
5	Eyster		0.50:			0.50:	Ernest E. & Alta Cook
6, 7 and/or 8	Scott North Scott South and/or Old Channel			2.65:		2.65:	Charlie Lee Pabst
9	Finmand Garden			0.15:		0.15:	E.E. & Susan Murphey
10 and/ or 23	Prior and/or Prior Collecting			3.15:		3.15:	Charles Nolan
11	Finmand			0.55: 1.95: 0.20:		0.55: 1.95: 0.20:	Charlie Lee Pabst E. E. and Susan Murphey Fred & Elizabeth Meyers
13, 14/ 16 and/ or 17	Meyers, Finmand— Meyers, Finmand Dam and/or Fin- mand Lower			1.90:	0.10:	2.00:	Fred & Elizabeth Meyers
12	Kelley				0.70: 1.20:	0.70: 1.20:	Fred & Elizabeth Meyers Neva Kelley
18, 19, 20, 21 and/or 22	Upper North Upper South Middle North Lower North and/or South Channel			4.20:		4.20:	Charlie Lee Pabst
15 25	Johnstone Eyster Slough			1.70:	.80:	2.50:	Arthur J. & Etta M. Harris
		2.70:	5.36:	17.15:	3.96:	29.17:	1696.8

+ ~~2.40~~  
 + .40      See paragraphs 17 & 18  
 3.10

Add TP 17 & 18 or see Schedule 4

### SCHEDULE 3

#### DESCRIPTIONS OF POINTS OF DIVERSIONS OF DITCHES

##### DIVERTING FROM EAGLE CREEK STREAM SYSTEM

###### Eyster Ditch

At a point (designated on Division of Water Resources Map as Diversion 5) which bears approximately N.  $32^{\circ} 30'$  E. approximately 390 feet distant from the southwest corner of Section 24, T 40 N, R 16 E, M.D.B. & M. and being within the  $SW\frac{1}{4}$   $SW\frac{1}{4}$  of said Section 24.

###### Eyster Slough Ditch

At a point (designated on Division of Water Resources Map as Diversion 25) which bears approximately S.  $18^{\circ} 00'$  E., approximately 2300 feet distant from the northwest corner of Section 30, T 40 N, R 17 E, M.D.B. & M. and being within Lot 2 of said Section 30.

###### Finmand Ditch

At a point (designated on Division of Water Resources Map as Diversion 11) which bears approximately N.  $86^{\circ} 30'$  E, approximately 2610 feet distant from the southwest corner of Section 24, T 40 N, R 16 E, M.D.B. & M. and being within the  $SE\frac{1}{4}$   $SW\frac{1}{4}$  of said Section 24.

###### Finmand Dam

At a point (designated on Division of Water Resources Map as Diversion 16) which bears approximately S.  $54^{\circ} 30'$  W, approximately 2210 feet distant from the northeast corner of Section 30, T 40 N, R 17 E, M.D.B. & M. and being within the  $NW\frac{1}{4}$   $NE\frac{1}{4}$  of said Section 30.

###### Finmand Drain

At a point (designated on Division of Water Resources Map as Diversion 24) which bears approximately S.  $1^{\circ} 30'$  E, approximately 1430 feet distant from the center of Section 19, T 40 N, R 17 E, M.D.B. & M. and being within the  $SW\frac{1}{4}$   $SE\frac{1}{4}$  of said Section 19.

###### Finmand Garden Ditch

At a point (designated on Division of Water Resources Map as Diversion 9) which bears approximately N.  $1^{\circ} 00'$  W, approximately 1200 feet distant from the southeast corner of Section 24, T 40 N, R 16 E, M.D.B. & M. and being within the  $SE\frac{1}{4}$   $SE\frac{1}{4}$  of said Section 24.

###### Finmand Lower Ditch

At a point (designated on Division of Water Resources Map as Diversion 17) which bears approximately S.  $53^{\circ} 30'$  W, approximately 810 feet distant from the northeast corner of Section 30, T 40 N, R 17 E, M.D.B. & M. and being within the  $NE\frac{1}{4}$   $NE\frac{1}{4}$  of said Section 30.

###### Finmand-Meyers Ditch

At a point (designated on Division of Water Resources Map as Diversion 14) which bears approximately S.  $45^{\circ} 15'$  E, approximately 2010 feet distant from the northwest corner of Section 30, T 40 N, R 17 E, M.D.B. & M. and being within the  $SW\frac{1}{4}$   $NW\frac{1}{4}$  of said Section 30.

#### Gee Ditch

At a point (designated on Division of Water Resources Map as Diversion 3) which bears approximately N.  $77^{\circ} 00'$  W, approximately 2180 feet distant from the southeast corner of Section 23, T 40 N, R 16 E, M.D.B. & M. and being within the  $SW\frac{1}{4}$   $SE\frac{1}{4}$  of said Section 23.

#### Gill Ditch

At a point (designated on Division of Water Resources Map as Diversion 1) which bears approximately S  $80^{\circ} 20'$  W, approximately 1420 feet distant from the center of Section 26, T 40 N, R 16 E, M.D.B. & M. and being within the  $NW\frac{1}{4}$   $SW\frac{1}{4}$  of said Section 26.

#### Grider Ditch

At a point (designated on Division of Water Resources Map as Diversion 4) which bears approximately N.  $69^{\circ} 00'$  W, approximately 2030 feet distant from the southeast corner of Section 23, T 40 N, R 16 E, M.D.B. & M. and being within the  $SW\frac{1}{4}$   $SE\frac{1}{4}$  of said Section 23.

#### Johnstone Ditch

At a point (designated on Division of Water Resources Map as Diversion 15) which bears approximately S.  $61^{\circ} 45'$  W, approximately 2820 feet distant from the northeast corner of Section 30, T 40 N, R 17 E, M.D.B. & M. and being within the  $SW\frac{1}{4}$   $NE\frac{1}{4}$  of said Section 30.

#### Kelley Ditch

At a point (designated on Division of Water Resources Map as Diversion 12) which bears approximately S.  $16^{\circ} 00'$  W, approximately 1230 feet distant from the northeast corner of Section 25, T 40 N, R 16 E, M.D.B. & M. and being within the  $NE\frac{1}{4}$   $NE\frac{1}{4}$  of said Section 25.

#### Meyers Ditch

At a point (designated on Division of Water Resources Map as Diversion 13) which bears approximately S.  $13^{\circ} 30'$  W, approximately 1220 feet distant from the northeast corner of Section 25, T 40 N, R 16 E, M.D.B. & M. and being within the  $NE\frac{1}{4}$   $NE\frac{1}{4}$  of said Section 25.

#### Old Channel

At a point (designated on Division of Water Resources Map as Diversion 8) which bears approximately N.  $76^{\circ} 00'$  E, approximately 2220 feet distant from the southwest corner of Section 24, T 40 N, R 16 E, M.D.B. & M. and being within the  $SE\frac{1}{4}$   $SW\frac{1}{4}$  of said Section 24.

#### Pabst Lower North Ditch

At a point (designated on Division of Water Resources Map as Diversion 21) which bears approximately S.  $69^{\circ} 15'$  E, approximately 1930 feet distant from the northwest corner of Section 29, T 40 N, R 17 E, M.D.B. & M. and being within the  $NE\frac{1}{4}$   $NW\frac{1}{4}$  of said Section 29.

#### Pabst Middle North Ditch

At a point (designated on Division of Water Resources Map as Diversion 20) which bears approximately S.  $72^{\circ} 15'$  E, approximately 1010 feet distant from the northwest corner of Section 29, T 40 N, R 17 E, M.D.B. & M. and being within the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of said Section 29.

#### Pabst Upper Ditch

At a point (designated on Division of Water Resources Map as Diversion 18) which bears approximately S.  $4^{\circ} 00'$  E, approximately 320 feet distant from the northwest corner of Section 29, T 40 N, R 17 E, M.D.B. & M. and being within the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of said Section 29.

#### Pabst Upper South Ditch

At a point (designated on Division of Water Resources Map as Diversion 19) which bears approximately S.  $4^{\circ} 00'$  E, approximately 320 feet distant from the northwest corner of Section 29, T 40 N, R 17 E, M.D.B. & M. and being within the NW $\frac{1}{4}$  NW $\frac{1}{4}$  of said Section 29.

#### Prior Ditch

At a point (designated on Division of Water Resources Map as Diversion 10) which bears approximately N.  $3^{\circ} 30'$  E, approximately 1400 feet distant from the southwest corner of Section 19, T 40 N, R 17 E, M.D.B. & M. and being within Lot 3 of said Section 19.

#### Prior Collecting Ditch

At a point (designated on Division of Water Resources Map as Diversion 23) which bears approximately N.  $65^{\circ} 15'$  E, approximately 2870 feet distant from the center of Section 24, T 40 N, R 16 E, M.D.B. & M. and being within the SE $\frac{1}{4}$  NE $\frac{1}{4}$  of said Section 24.

#### Scott North Ditch

At a point (designated on Division of Water Resources Map as Diversion 6) which bears approximately N.  $55^{\circ} 00'$  E, approximately 620 feet distant from the southwest corner of Section 24, T 40 N, R 16 E, M.D.B. & M. and being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of said Section 24.

#### Scott South Ditch

At a point (designated on Division of Water Resources Map as Diversion 7) which bears N.  $59^{\circ} 45'$  E, approximately 780 feet distant from the southwest corner of Section 24, T 40 N, R 16 E, M.D.B. & M. and being within the SW $\frac{1}{4}$  SW $\frac{1}{4}$  of said Section 24.

#### South Channel

At a point (designated on Division of Water Resources Map as Diversion 22) which bears S.  $67^{\circ} 00'$  E, approximately 2230 feet distant from the northwest corner of Section 29, T 40 N, R 17 E, M.D.B. & M. and being within the NE $\frac{1}{4}$  NW $\frac{1}{4}$  of said Section 29.



SCHEDULE 4

CONTINUOUS FLOW ALLOTMENTS TO  
VARIOUS PARTIES FROM EAGLE CREEK

Name of Owner	Continuous Flow Allotment Cubic Feet per Second
Sarah L. Adams	0.08
L. J. Barber	0.315 - 0.26 = 0.055
Ben R. Cambron and Leona Cambron	0.08
Jennie M. Cambron	0.18
Mrs. Annie Connolly	0.36
Ernest E. Cook & Alta Cook	0.60
Kenneth and Floyd Cook	0.05
C. M. Dorton	0.025
Niels H. Finmand	0.06
D. H. and L. C. Grove	0.10
E. B. Grove & Irene Grove	0.22
John W. Hanks & Cora Hanks	0.025
Arthur J. & Etta M. Harris	2.50
Peter K. Heard	0.10
Bessie Ward	0.06
Geo. M. & Mary Hudspeth	0.08
Pete Ytzaina	0.18
Neva Kelley	1.20
L. M. Mabrier	0.19 - 0.14 = 0.05
Fred Meyers & Elizabeth Meyers	2.90
Mrs. S. J. Millsap	0.025
Eulalio Miura & Elmore Miura	0.185 - 0.14 = 0.045
F. E. & Susan Murphey	2.10
Charlie Lee Pabst	8.60
Jesse & Dora Parman	0.05
Est. of Margaret Pickrell	0.04
Sabra E. Powers, et al.	0.08
J. T. & Katie Reeder, et al.	0.03
A. N. & Lottie Slinkard	0.31
W. N. & Gertie Slinkard	0.025
Jessie W. and Marguerite Stevens	0.08
Grace A. Street	5.00
John W. & Lola Taylor	0.51
Charles Nolan	3.15
Guy O. Wimer	0.05
E. B. Woodruff	1.00
Robert C. Young	0.03
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TOTAL	30.57

- 1.00 High Rock  
29.57